

REMARKS AND ARGUMENTS**Status of Claims**

Claims 1, 3, 4, 6-10, 13-23, 31, 32, 36-38, and 41-49 are pending in the Application.

Claims 1, 3, 4, 31, 32, 36-38 and 41-49 stand as rejected.

Claims 6-9 are objected to.

Claims 10 and 13-23 stand as allowed by Examiner.

Amendments to the Claims

Claim 36 stands as rejected under 35 U.S.C. Section 112, first paragraph. Claim 36 as amended herein is rewritten as an independent claim and is drawn to the embodiment depicted in Fig. 11 and does not include the limitations of Claim 31 drawn to a clamp formed with a duct.

Claims 38 and 41-49 stand as rejected under 35 U.S.C. Section 112, first paragraph, for failure to enable one skilled in the art to position the clamp “in the hollow chamber” and for positioning the at least one keeper “in the hollow chamber” of the track rail. Claim 38 as herein amended is rewritten to clarify that the clamp and keeper are positioned in the channel, and not the hollow chamber.

Examiner rejects claims 1, 3, and 4 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 3,529, 274 to Routh (hereafter “Routh”). Examiner further rejects claims 31, 32, and 37 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 3,778,175 to Zimmer. Applicant respectfully traverses and requests examiner withdraw rejections to these claims.

Routh discloses a power distribution system comprising multiple track components for embedding within a ceiling or other building wall (Col. 1:15-17). It does not disclose “a rail

formed with at least two tracks” because the track components, as can be seen in FIG. 3 and FIG. 4 of the reference, do not comprise a “rail” but rather multiple components assembled together to form a longitudinally-shaped track with a wireway (33) in the center. Routh also lacks the “hollow chamber” limitation of the instant invention. The assembled track components disclosed by Routh, while leaving a space in the center of the assembly, is not a “chamber” within a single rail. Furthermore, the track components are embedded within either dry or wetwall construction (FIGS. 7 and 8) and are not suitable for “removably and adjustably mounting a device on a surface” as recited in claims 1, 3, and 4.

Examiner rejects claims 31, 32, and 37 as anticipated by U.S. Patent 3,778,175 to Zimmer (hereafter “Zimmer”) under 35 U.S.C. §102. Applicant respectfully argues that Zimmer does not anticipate claims 31, 32, and 37 under §102. Zimmer does not disclose “a system for removably and adjustably mounting a device on a surface.” The disclosure of Zimmer is directed towards a snap-locking structural joint assembly, not mounting a device on a surface.

Furthermore, Zimmer does not disclose “one or more clamps for connecting the system to the surface”. The clamp disclosed in Zimmer (22, FIG. 2) is to provide a means of connecting the structural joint assembly; the two-piece fastening clip means cannot connect the elongate structural assembly to a surface, only to other elongated structural members. Therefore, the prior art does not meet each and every limitation of claim 31.

Further, Zimmer does not disclose a “means for connecting the device to the rail” as in claim 37. Zimmer merely provides means for connecting the structural members to other structural members, and does not disclose or even contemplate any device to be connected to the assembly by way of clamps.

In order to expedite issuance of the claims, as per agreement with Examiner during interview conducted on December 7, 2006, all pending claims in present Application are amended herein to direct the claims to a system and apparatus for attaching a "photovoltaic module or other flat panel" to an object.

Conclusions

Applicant respectfully argues that all claims are now in condition for allowance. Applicant respectfully requests a Notice of Allowance for all pending claims in the Application. Examiner is requested to call the undersigned at (202) 663-6064 for any reason that would aid in advancing the instant application to issue.

Respectfully submitted,

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